

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1218.

(Given pursuant to section 4 of the Food and Drugs Act.)

MISBRANDING OF HOXSIE'S CROUP REMEDY.

On the first Monday of September, 1911, the United States Attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed information in the circuit court of the United States for said district against The Kells Co., a corporation, alleging shipment by it; in violation of the Food and Drugs Act, on or about July 28, 1910, from the State of New York into the District of Columbia, of a drug product labeled Hoxsie's Croup Remedy, which was misbranded. The product was labeled: (On carton) "Dr. A. C. Hoxsie's Croup Remedy Contains 20% alcohol A remedy for Croup, Coughs, Colds & Hoarseness * * * A. C. Hoxsie. Price 50 Cts. Guaranteed under the Food and Drugs Act, June 30, 06, No. 2772. * * * For further directions see pamphlet around bottle. Manufactured and distributed by the Kells Company, Newburgh, N. Y." (On bottle): "Dr. A. C. Hoxsie's Croup Remedy Contains 20% alcohol For Croup, coughs, colds & Hoarseness. * * * The Kells Company, Newburgh, N. Y." (Blown in bottle) "Certain Croup Remedy. Buffalo N. Y. Dr. Hoxsie's." The booklet packed with the product contains the following statement, among others (referring to croup): "Hoxsie's Croup Remedy, if promptly administered, will, in a few minutes, dispel the accumulation and in a short time the child is out of all danger." A leaflet packed with the product contained the following statements, among others: "Possessing wonderful curative power on the membranes of the throat and delicate tissues of the lungs;" "Croup * * * Whooping Cough, Diphtheria, Coughs, Colds, * * * and Consumption yield to this great remedy;" "Adults find it a life-saving remedy, as it prevents serious complications when the pulmonary organs are attacked."

Analysis of a sample of said product made by the Bureau of Chemistry of the United States Department of Agriculture showed the product to be a hydro-alcoholic solution of an alkaloid containing 31.4 per cent of alcohol by volume, and a trace of undetermined extractive matter, the nonvolatile matter constituting 0.15 per cent by weight. Misbranding was alleged for the reason that the label represented the alcohol content of said product to be 20 per cent, when in fact the product contained a greater amount of alcohol, to wit, 31.4 per cent by volume, and this statement on the label was therefore false and misleading.

On October 5, 1911, the defendant corporation pleaded guilty and was fined \$50.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *November 25, 1911.*

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